See also *People* v. *Sweeney,* 55 Mich., 586, "where the intent is the gist of the crime, the presumption (of intending the natural consequences of one's acts), though a very important circumstance, is not conclusive nor alone sufficient." But, on the other hand, for a case apparently holding such constructive intent to be alone sufficient, see *Abrams* v. *U. S.,* 40 Sup. Ct. Rep. 17, and note on same in 18 MICH. L. REV. 236. It would certainly seem, however, that since the almost universal condemnation of the suggested rule of disqualification of one from testifying to his own intent (see 1 WIGMORE ON EVI., § 581), if this result is not to be in effect nullified, a court should not be allowed to instruct the jury to disregard such testimony. It would seem more logical that all the evidence bearing on the question of intent, including the presumption discussed in the principal case and the defendant's own testimony, should be left wholly to the consideration of the jury, with such cautions or comments by the court as the particular practice and the circumstances of the case would permit of. See *Oakes* v. *State,* 98 Miss. 97.

DIVORCE—ALIMONY—ALLOWANCE BASED ON FUTURE EARNINGS.—In a divorce proceeding permanent alimony was awarded the wife on the authority of a statute providing, "When a divorce shall be granted * * * the wife shall be * * * allowed such alimony as the court shall think reasonable," etc. The allowance was such that it obviously was based upon earning capacity, and the husband appealed on the ground that the statute did not authorize such judgment. *Held,* the statute did not prevent alimony awarded on such basis. *Nixon* v. *Nixon* (Kans., 1920), 188 Pac. 227.

A similar conclusion on a statute very much like the one in Kansas was reached in *Lape* v. *Lape* (Ohio, 1919), 124 N. E. 51. For discussion thereof, see 18 MICH. L. REV. 60. It may very well be that such statutes grew in the first instance out of a desire for a wider power in the court in awarding alimony, it being generally considered that in absence of statutory authorization courts were without power to set off a particular portion of the husband's property. However, in *Cizek* v. *Cizek,* 69 Neb. 797, it was held that under a statute providing that "the court may further decree to her (the wife) such part of the personal estate of the husband and such alimony out of his estate as it shall deem just and reasonable," etc., a decree directing the husband to deed certain lots to the wife was beyond the court's power. See, too, *Bacon* v. *Bacon,* 43 Wis. 203. After the decision in *Wilson* v. *Wilson,* 67 Minn. 448, which is *contra* to the principal case, the statute was amended. *Haskell* v. *Haskell,* 119 Minn. 484, was decided after the amendment.

EMINENT DOMAIN—BENEFITS WHICH MAY BE SET OFF AGAINST DAMAGES.—Appellant condemned land for right of way over defendant's property. Respondents were allowed damages for value of land taken. On appeal to the District Court, respondents were awarded substantial damages for severance. On appeal to the Supreme Court, appellants contended for the right to set off the increased value of respondents' land and benefits thereto by reason of the building and maintenance of the road, depot and side-tracks partially on the land of one of the respondents. *Held,* general benefits such